

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners

From: Tom Champeau, Director Division of Freshwater Fisheries Management

Date: September 2, 2015

Subject: Consent Agenda Item: Repeal of 68A-23.010
Disposition of Illegal Fishing Devices

Purpose:

Staff is seeking permission to advertise the repeal of Rule 68A - 23.010 - Disposition of Illegal Fishing Devices since this rule is no longer needed.

Summary:

During normal rulemaking activities, staff receive comments from the Joint Administrative Procedures Committee, a legislatively created entity that reviews existing and proposed rules for all state agencies. At their request, and as a part of the continuing effort to review and repeal any unnecessary regulations, staff reviewed Rule 68A - 23.010 in its entirety. The regulation, created in 1979, addresses the removal of illegal or illegally used fishing devices from Florida's freshwaters. Division of Freshwater Fisheries Management staff met with legal counsel and the Division of Law Enforcement (DLE) to ensure that repeal of this regulation would not have an impact on DLE's ability to remove these devices from the water. It was determined that the regulation is redundant with Chapter 379.341 Florida Statutes (F.S.) and repealing it would have no impact. The DLE will continue to follow F.S. and internal protocols (General Order 16) for handling illegal fishing devices. Therefore, staff is requesting approval to advertise repeal of this rule.

Staff Recommendation:

Staff recommends approval of the proposed rule repeal.

Staff Contact and/or Presenter:

Tom Champeau, Director, Division of Freshwater Fisheries Management

Briefing Points:

Stakeholder Perspective: Repeal of this regulation will have no impact on stakeholders. The DLE procedures for removing illegal or illegally used fishing devices are prescribed by Florida Statutes and explained within the DLE's General Orders.

Next Steps:

If approved, staff will move forward with notice of the repeal.